

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

LISA HAKEEM and ABDULLAH S. ALI,

Plaintiffs,

vs.

Civil Action No. _____

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

MULLOOLY, JEFFREY, ROONEY & FLYNN, LLP
and JACKIE PFLUGER

Defendants.
_____x

COMPLAINT

INTRODUCTION

1. This is an action for damages brought by individual consumers for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and § 2202. Venue in this District is proper in that Defendants transact business here and the conduct complained of occurred here.

PARTIES

3. Plaintiffs, Lisa Hakeem and Abdullah Ali, are natural persons residing in Buffalo, New York.

4. Defendant, Mullooly, Jeffrey, Rooney & Flynn, LLP (hereinafter referred to as “M,J,R&F”), is a law firm engaged in the business of collecting consumer debts in this state with its principal place of business located at 6851 Jericho Turnpike, Syosset, New York 11791. The principal purpose of M,J,R&F is the collection of consumer debts in this state and M,J,R&F regularly attempts to collect debts alleged to be due another.

5. Defendant, Jackie Pfluger, is a natural person employed by M,J,R&F as a collection manager. Jackie Pfluger is a debt collector engaged in the business of collecting consumer debts in this state with her principal place of business located at 6851 Jericho Turnpike, Syosset, New York 11791. The principal purpose of Jackie Pfluger is the collection of consumer debts in this state and Jackie Pfluger regularly attempts to collect debts alleged to be due another.

6. The acts of the Defendants hereinafter were performed by its employees acting within the scope of their actual or apparent authority.

7. All references to “Defendants” herein shall mean the Defendants or an employee of Defendants.

8. Defendants M,J,R&F and Jackie Pfluger are engaged in the collection of debts from consumers using the mail and telephone. Defendants regularly attempt to collect consumer debts alleged to be due another. Defendants are “debt collectors” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

9. Within the last year, Plaintiff, Lisa Hakeem was called by Defendants over one hundred (100) times regarding an alleged consumer account. Upon information and belief, Ms. Hakeem settled the debt in full which Defendants were attempting to collect.

10. As a result, Plaintiffs suffered emotional distress, anxiety and loss of sleep due to the fear that a judgment would be entered by Defendant for a debt that, upon information and belief, was paid.

11. Because the Plaintiffs maintain joint finances, Mr. Ali also suffered emotional distress, nausea, anxiety and loss of sleep due to the same aforementioned fears.

12. Plaintiffs especially suffered emotional distress because, during the time of the aforementioned calls, Plaintiff Hakeem was in the hospital due to a heart condition.

13. Upon information and belief, Defendants' harassment of Plaintiffs was made in an attempt to make Plaintiffs pay an account that upon information and belief was already paid.

14. Upon information and belief, Defendant Jackie Pfluger, knew that Ms. Hakeem previously paid the consumer debt and was now trying to coerce Ms. Hakeem into paying again on the alleged debt.

15. That numerous calls made by Defendants exacerbated Ms. Hakeem's heart condition for which she was in the hospital.

16. Plaintiff Abdullah Ali suffered emotional distress due to receiving a barrage of telephone calls at the family home from the Defendants, as well as worrying about the increased severity of his wife's medical condition due to receipt of the overwhelming amount of telephone calls made by Defendants.

17. During one of the telephone conversations, Ms. Hakeem informed Ms. Pfluger that she collects Social Security Disability. Still, Defendants continued to contact the Plaintiffs via telephone multiple times a day as a means to force Plaintiffs into paying a disputed consumer debt.

18. As a result of the aforementioned acts outlined above, Plaintiffs suffered a great deal of emotional distress, nausea, stress, anxiety and loss of sleep.

FIRST CLAIM FOR RELIEF

19. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs one (1) through eighteen (18) above.

20. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

21. Defendants violated 15 U.S.C. § 1692 by using false representations and deceptive means to collect a debt.

22. Defendants violated 15 U.S.C § 1692e by deterring Plaintiff from seeking a defense to Defendants' collection actions.

23. Defendants violated 15 U.S.C § 1692e by attempting to collect a debt that Plaintiff, upon information and belief, already paid to the Defendants.

24. Defendants violated 15 U.S.C. § 1692e(13) by using the false representation or implication that documents were legal process when they were not.

25. Defendants violated 15 U.S.C. § 1692e(2)(A) by misrepresenting the legal status of an alleged debt.

WHEREFORE, Plaintiffs, Lisa Hakeem and Abdullah Ali, respectfully request that judgment be entered against Defendants, Mullooly, Jeffrey, Rooney & Flynn, LLP and Jackie Pfluger, for the following:

- A. Declaratory judgment that Defendants' conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;

- D. Cost and reasonable attorney fees pursuant to 15 U.S.C. § 1692k;
- E. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiffs, Lisa Hakeem and Abdullah S. Ali, demand trial by jury in this action.

Dated: May 11, 2011

/s/ Jason A. Shear

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